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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY

In the Matter of the Suspension :	
or Revocation of the License of :	
:	
RICHARD A. BLOSSOM, D.D.S. :	ORDER OF SUSPENSION
:	
To Practice Dentistry in the :	
State of New Jersey :	

This matter was opened to the New Jersey State Board of Dentistry (hereinafter "the Board") upon a Notice of Motion For Enforcement of Litigant's Rights and Suspension of License and accompanying Certification of Agnes Clarke, Executive Director of the Board, stating that Richard A. Blossom, D.D.S. (hereinafter "respondent") has failed to comply with the October 20, 1995 Consent Order filed with the Board against respondent. Said Consent Order arose from a patient complaint concerning dental treatment rendered by respondent. After the Board had reviewed the patient records and held an investigative inquiry on March 22, 1995 attended by respondent and his attorney John Goins, Esq., the Board and respondent signed said Consent Order whereby respondent was ordered and agreed to make restitution in the amount of \$1,700.00 to the patient and to successfully complete twenty-one hours of continuing education in endodontics and twenty-one hours of continuing education in crown and bridge dentistry, all forty-two hours to be completed within six months of the entry date of said Consent Order. Further, respondent was assessed a civil penalty in the amount of \$2,500.00 for professional misconduct and poor record keeping, and a civil penalty in the amount of \$500.00 for failure

to submit documentation of the continuing education requirement for the 1993-1995 biennial registration period.

It appears that respondent made complete restitution to the patient as ordered. However, as Ms. Clarke's certification reflects, respondent did not complete the required continuing education, and he has paid only \$600.00 of the \$3,000.00 in civil penalties owed, leaving an outstanding balance of \$2,400.00. As late as July 1, 1996, Ms. Clarke sent letters by regular and certified mail to respondent and his attorney, John Goins, Esq. advising them of what was required to be in compliance with said Consent Order. No response was received by the Board from respondent or Mr. Goins.

In light of respondent's refusal to comply with said Consent Order and to respond to the Board's letters, a Notice of Motion for Enforcement of Litigant's Rights and Suspension of License along with a supporting Certification of Agnes M. Clarke, filed in the Board office on September 3, 1996, was sent by regular and certified mail, return receipt requested, to respondent and Mr. Goins. The notice stated that on 9:00 a.m. on November 6, 1996 Marilyn Bair, Deputy Attorney General, would move before the Board that respondent be directed to immediately complete the ordered continuing education, that he be directed to pay the \$2,400.00 owed for civil penalties, and that his license be suspended for failure to comply with the terms and conditions of said Consent Order. Service and notice were satisfied as evidenced by the returned green card from Mr. Goins. Further, Ms. Bair telephoned Mr. Goins

and confirmed that he still represented respondent in this matter and that he had notice of the November 6, 1996 hearing.

Neither respondent nor his attorney appeared for the November 6, 1996 hearing, nor did either one communicate with the Board on that day or any day thereafter. A hearing was held in public session on November 6, 1996 whereby the above information was presented to the Board. The Board conducted its deliberations in public session and announced its decision on November 6, 1996.

In consideration of the record herein, the Board makes the following Findings of Fact and Conclusions of Law.

1. On October 20, 1995 a Consent Order was filed with the Board which ordered respondent to make restitution in the amount of \$1,700.00 to a patient, to take and complete within six months twenty-one hours of continuing education in endodontics and twenty-one hours of continuing education in crown and bridge dentistry, and to pay civil penalties in the amount of \$3,000.00.

2. Respondent has failed to comply with said Consent Order in that he failed to take the required continuing education, and he failed to pay \$2,400.00 of the \$3,000.00 in civil penalties.

3. Failure to comply with said Consent Order constitutes a violation of N.J.S.A. 45:1-21(h), which violation is the basis for suspension of a license issued by the Board.

IT IS ON THIS 18th DAY OF DECEMBER 1996

HEREBY ORDERED THAT:

1. The license of Richard A. Blossom D.D.S. to practice dentistry in the State of New Jersey is hereby suspended

indefinitely, and such suspension shall commence upon the entry date of the within Order. The Board may reconsider the suspension at such time as respondent appears before the Board in regards to his failure to comply with the October 20, 1995 Consent Order. Within seven (7) days of the effective date of the suspension, respondent shall submit his dentistry license, and CDS and DEA registrations to the Board of Dentistry at 124 Halsey Street, 6th Floor, Newark, New Jersey 17101, or surrender such credentials to the Board's designee.

During the period of active suspension, the respondent shall derive no financial remuneration directly or indirectly related to patient fees paid for dental services rendered by other licensees for patients of respondent's practice. The attached "Directive Regarding Future Activities Of Board Licensee Who Has Been Suspended/Revoked And Use Of The Professional Premises" is hereby incorporated into this Order.

Further, all the terms of the October 20, 1995 Consent Order remain in full effect.

NEW JERSEY STATE BOARD OF DENTISTRY

A handwritten signature in dark ink, appearing to read 'Anthony Villane', is written over a horizontal line.

Anthony Villane
President

DIRECTIVE REGARDING FUTURE ACTIVITIES
OF BOARD LICENSEE WHO HAS BEEN SUSPENDED/
REVOKED AND USE OF THE PROFESSIONAL PREMISES

A practitioner whose license is suspended or revoked or whose surrender of license with or without prejudice has been accepted by the Board shall conduct him/herself as follows.

1) Promptly deliver to the Board the original license and current biennial registration and, if authorized to prescribe drugs, the current State and Federal Controlled Dangerous Substances registrations.

2) Desist and refrain from the practice of dentistry in any form either as principal or employee of another licensee.

3) Inform each patient at the time of any inquiry of the suspended or revoked or retired status of the licensee. When a new licensee is selected by a patient, the disciplined practitioner shall promptly make available the original or a complete copy of the existing patient record to the new licensee, or to the patient if no new licensee is selected. Such delivery of record does not waive any right of the disciplined practitioner to claim compensation earned for prior services lawfully rendered.

4) Not occupy, share or use office space in which another licensee practices dentistry.

5) Desist and refrain from furnishing professional dental services, giving an opinion as to the practice of dentistry or its application, or any advice with relation thereto; and from holding him/herself out to the public as being entitled to practice dentistry or in any way assuming to be a practicing professional or assuming, using or advertising in relation thereto in any other language or in such a manner as to convey to the public the impression that such person is a legal practitioner or authorized to practice dentistry. This prohibition includes refraining during the period of suspension or revocation from placement of any advertisement or professional listing in any advertising medium suggesting eligibility for practice or good standing.

6) Cease to use any stationery whereon such person's name appears as a dentist in practice. If the practitioner was formerly authorized to issue written prescriptions for medication or treatment, such prescription pads shall be destroyed if the license was revoked. If the license was suspended, the prescriptions shall be destroyed or shall be stored in a secure location to prevent theft or any use whatsoever until issuance of a Board Order authorizing use by the practitioner. Similarly, medications possessed for office use shall be lawfully disposed

of, transferred or safeguarded.

7) Not share in any fee for dental services performed by any other licensee following the suspension, revocation or surrender of license, but the practitioner may be compensated for the reasonable value of the services lawfully rendered and disbursements incurred on the patient's behalf prior to the effective date of the suspension, revocation or surrender.

8) Use of the professional premises. The disciplined licensee may allow another licensee to use the office premises formerly occupied by the disciplined licensee on the following conditions only:

(a) The new licensee shall conduct the practice in every respect as his/her own practice including billings, claim forms, insurance provider numbers, telephone numbers, etc.

(b) The disciplined licensee may accept no portion of the fees for professional services rendered by the new licensee, whether by percentage of revenue, per capita patient, or by any other device or design, however denominated. The disciplined licensee may, however, contract for or accept payment from the new licensee for rent (not exceeding fair market value) of the premises and either dispose of or store the dental material and equipment, but in no event shall the disciplined licensee, on the basis of a lease or any other agreement for compensation place in the possession of any operator, assistant or other agent such dental material and equipment, except by a chattel mortgage.

(c) No use of name of disciplined licensee or personally owned office name or tax- or provider identification number.

1. Where the disciplined licensee was using an individual IRS number or where the licensee was the sole member of an incorporated professional association or a corporation, the disciplined licensee may contract to rent the office premises to a new practitioner. The new practitioner must use his/her own name and own provider number on all bills and insurance claim forms. Neither the name nor the number of the disciplined licensee may be used. When the license of a sole practitioner has been revoked, a trade name must be cancelled and a professional service corporation must be dissolved.

2. Where the disciplined licensee is a

member of a professional group which uses a group-type name such as the ABC Dental Group, the disciplined licensee must arrange to have his/her name deleted, covered up or otherwise obliterated on all office signs, advertisements published by the group after the effective date of the Board disciplinary Order and on all printed billings and stationery. The other group members may continue to function under the incorporated or trade name, minus the name of the disciplined licensee, and may continue to use its corporate or professional identification number.

(9) Report promptly to the Board compliance with each directive requiring moneys to be reimbursed to patients or to other persons or third party payors or to any court, and regarding supervisory reports or other special conditions of the Order.

(10) A practitioner whose license is surrendered, revoked or actively suspended for one year or more shall conduct him/herself as follows:

- 1) Promptly require the publishers of any professional directory and any other professional list in which such licensee's name is known by the disciplined licensee to appear, to remove any listing indicating that the practitioner is a licensee of the Board in good standing.

- 2) Promptly require any and all telephone companies to remove the practitioner's listing in any telephone directory indicating that such practitioner is a practicing professional.

(11) A practitioner whose practice privileges are affected by a Board disciplinary Order shall, within 90 days after the effective date of the Board Order, file with the Executive Director of the Board a detailed affidavit specifying by correlatively lettered and numbered paragraphs how such person has fully complied with this directive. The affidavit shall also set forth the residence or other address and telephone number to which communications may be directed to such person. Any change in the residence, address or telephone number shall be promptly reported to the Executive Director.